

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO CONSOLIDATED  
CONSTRUCTION, LLC, a New Mexico  
Limited Liability Company,

Appellant,

vs.

No. CIV 14-0171 JB/WPL

CITY COUNCIL OF THE CITY OF SANTA  
FE,

Appellee,

and

NEW MEXICO CONSOLIDATED  
CONSTRUCTION, LLC, a New Mexico  
Limited Liability Company,

Plaintiff,

vs.

DAVID COSS, Mayor of the City of Santa Fe,  
personally and as Mayor; REBECCA  
WURZBERGER, personally and as Mayor Pro  
Tem of the City of Santa Fe; PATTI J.  
BUSHEE, CHRIS CALVERT, ROSEMARY  
ROMERO, MICHAEL M. CHAVEZ,  
CARMICHAEL A. DOUGLAS, MATTHEW  
F. ORTIZ, and RONAL S. TRUJILLO,  
Members of the City Council of the City of  
Santa Fe, personally and as Officials of the City  
of Santa Fe; ROBERT ROMERO, City  
Manager, GENO ZAMORA, City Attorney, and  
MEL MORGAN, City Finance Director,  
personally and as employees or officials of the  
City of Santa Fe; SHARON WOODS, KAREN  
WALKER, CELILIA RIOS, DEBORAH  
SHAPIRO, DAN FEATHERINGILL, JOHN  
KANTNER, ROD COLLIER ACTON, FRANK  
D. KATZ, and CHRISTINE MATHER,

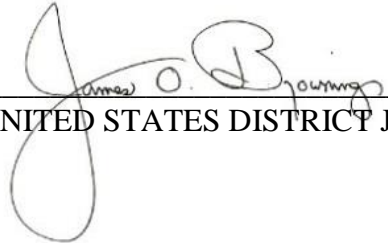
personally and as Members of the Santa Fe  
Historic Design Review Board,

Defendants.

**ORDER**<sup>1</sup>

**THIS MATTER** comes before the Court on the Motion for Summary Judgment That Federal Claims in the Third Amended Complaint Are Barred by the Doctrine of Res Judicata, filed June 25, 2014 (Doc. 26)(“Motion”). The Court held a hearing on the Motion on December 19, 2014. For the reasons stated at the hearing, the Court will grant the Motion.

**IT IS ORDERED** that the Motion for Summary Judgment That Federal Claims in the Third Amended Complaint Are Barred by the Doctrine of Res Judicata, filed June 25, 2014 (Doc. 26), is granted.

  
UNITED STATES DISTRICT JUDGE

*Counsel:*

John R. Polk  
Albuquerque, New Mexico

*Attorney for the Appellant and the Plaintiff*

Philomena M. Hausler  
Albuquerque, New Mexico

--and--

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<sup>1</sup>This Order disposes of the Motion for Summary Judgment That Federal Claims in the Third Amended Complaint Are Barred by the Doctrine of Res Judicata, filed June 25, 2014 (Doc. 26). The Court may, however, at a later date issue a memorandum opinion more fully explaining the rationale for its decision.

Erika E. Anderson  
Albuquerque, New Mexico

*Attorneys for the Appellee and the Defendants*